REMARKS

Claims 1-96 are pending. Claims 48-51, 54, 57, 59-61, 66-69, 72, 75, 78-80, and 91-96 are under examination. Claim 67 has been amended to comply with the Examiner's objection involving a minor informality. Accordingly, this amendment does not raise an issue of new matter and entry thereof is respectfully requested.

Claim Objections

Claim 67 stands objected to for minor informalities based on previous amendments. Applicants have made the requisite amendment to claim 67 to address the Examiner's objection. Applicants respectfully request withdrawal of this rejection.

Rejections under 35 U.S.C. §102

The rejection of claims 48-51, 54, 57, 59-61, 66-69, 72, 75, 78-80, and 93-96 under 35 U.S.C. §102(e) as allegedly being anticipated by Sem et al. U.S. 7,653,490 (the `490 Patent) is respectfully traversed.

As the Examiner is aware, there is an overlap of inventorship and assignee in the present application and the `490 patent. Applicants submit herewith a Declaration of the inventors under 37 C.F.R §1.132 which sets forth the inventive entity of the subject matter disclosed, but not claimed, in the `490 Patent. Applicants submit that the disclosure in the `490 Patent that is claimed in the present `934 Application is not the work of another. Thus, the additional inventors that appear on the `490 Patent that are not listed as inventors in the present application are not inventors of the pending claims under this rejection. The inventors conceived the presently claimed matter jointly while working for what is now Triad Liquidating Company, LLC. The Declaration submitted herewith is signed by five of the six inventors, Mark Kelly, Hugo Villar, Jianqiang Wang, Yong Qin and Daniel S. Sem. One inventor, Dr. Min S. Lee, has not acknowledged numerous attempts to secure his signature as part of the §1.132 Declaration. Attempts were made to contact Dr. Lee at previously known physical addresses by certified mail. Packages were returned without indication that Dr. Lee received them. Attempts were also made to contact Dr. Lee at previously known e-mail addresses with the same result of no acknowledgement. Dr. Lee has thus been not reached after diligent effort. A petition under 37

C.F.R 1.47(a) was previously submitted to complete this Application after a lack of responsiveness by the same inventor to join in the filing Declaration.

Applicants respectfully request withdrawal of this rejection.

Rejections under 35 U.S.C. §103

The rejection of claims 48-51, 54, 57, 59-61, 66-69, 72, 75, 78-80, and 91-96 under 35 U.S.C. §103(a) as allegedly being obvious over Sem et al. U.S. 7,653,490 as cited above, in view of Sem 6,333,149 ("the `149 Patent") is respectfully traversed.

The Examiner is relying on the `490 Patent as prior art under 35 U.S.C. §102(e) to make this rejection. Applicants Declaration submitted herewith disqualifies this reference as prior art under 102(e) as discussed above.

Applicants wish to clarify the rejection's mischaracterization of the `149 Patent as allegedly teaching an antenna moiety. The `149 discloses a NMR visible nucleus that is part of the ligand moiety of a ligand probe (also called common ligand). The single atom that is the NMR visible nucleus, and part of the ligand probe of the `149 Patent, is not an antenna (or antenna moiety) as described and claimed in the present application. The `149 Patent does not describe an antenna moiety because there are no intervening atoms between the ligand moiety and the NMR visible nucleus as currently claimed. Thus, the ligand probe of the present invention has at least three parts 1) a ligand moiety, 2) a NMR visible nucleus, and 3) a group of one or more intervening atoms between the NMR visible nucleus and the ligand moiety. The latter two components define an antenna moiety. The advantages of this arrangement relative to the `149 Patent were provided in the previous Response which incorporated herein. The `149 Patent on its own does not provide recitation of all the claim elements of base claim 48. Thus, the rejection fails to provide a *prima facie* case of obviousness. Claim 48 and all claims dependent therefrom are patentable over the `149 Patent alone, while the `490 Patent fails to qualify as applicable art. Applicants respectfully request withdrawal of this rejection.

Obviousness-type Double Patenting Rejections

The rejection of claims 48-51, 54, 57, 59-61, 66-69, 72, 75, 78-80, and 91-96 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. 6,333,149, claims 1-62 of U.S. 6,620,589, claims 1-160 of U.S. 6,797,460, claims 1-42 of U.S. 7,252,931 each in view of Sem et al. U.S. 7,653,490 is respectfully traversed.

Applicants again submit that the `490 patent does not qualify as prior art under 102(e) pursuant to the Declaration submitted herewith. Applicants submit that claims 48-51, 54, 57, 59-61, 66-69, 72, 75, 78-80, and 91-96 are all patentable over claims 1-33 of U.S. 6,333,149, claims 1-62 of U.S. 6,620,589, claims 1-160 of U.S. 6,797,460, and claims 1-42 of U.S. 7,252,931. Applicants respectfully request withdrawal of these obviousness-type double patenting rejections.

Entry of the proposed amendments is respectfully submitted to be proper because the amendments are believed to place the claims in condition for allowance.

In light of the amendments and remarks herein, Applicants submit that the claims are now in condition for allowance and respectfully request a notice to this effect. The Examiner is invited to call the undersigned agent if there are any questions.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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